

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW RAY TACK,

Defendant.

CR 9:24-cr-00060-DWM-1

ORDER

On October 23, 2024, Matthew Ray Tack was charged with failure to register as a sex offender in violation of 18 U.S.C. § 2250(b). (Doc. 1.) The caption of his Indictment incorrectly states the penalty for this offense as “10 years imprisonment, \$250,000 fine, and *three years of supervised release.*” (*Id.* (emphasis added).) The correct term of supervised release “is any term of years not less than 5, or life.” 18 U.S.C. § 3583(k). At Tack’s change of plea hearing, the Court affirmed his misunderstanding that the statutory minimum term is three years. The PSR corrects this error and states the applicable term of supervised release. (PSR at ¶¶ 82, 83). Tack did not object to the PSR on this basis. (*See id.*; Doc. 24).

Accordingly, IT IS ORDERED that Defendant Tack shall be prepared to discuss this issue at his April 3, 2025 sentencing hearing. If necessary, Tack may be given the option to withdraw his plea. *See* Fed. R. Crim. P. 11(b), (d).

DATED this 1st ^{april} day of ~~March~~, 2025.



Donald W. Molloy, District Judge
United States District Court